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Date: April 10, 2009

Name: John C. Freeman, Esq.

Signature: 

Our Case No. 10022/54

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application:)	
)	
Shawn S. Cornelius et al.)	
)	Examiner: Nguyen, Thuong
Serial No.: 09/945,188)	
)	Art Unit: 2155
Filed: August 31, 2001)	
)	Confirmation No.: 3206
For: REMOTELY MANAGING A)	
DATA PROCESSING SYSTEM)	
VIA A COMMUNICATIONS)	
NETWORK)	

REPLY BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Reply regards the Examiner's Answer mailed on February 13, 2009¹.

At pages 3-18 of the Examiner's Answer, the Examiner presents thirty three paragraphs containing arguments as to why claims 2-6 and 8-30 are rejected. Since the arguments contained in the thirty three paragraphs are almost verbatim the same presented in non-Final Office Action mailed on July 18, 2008, Appellants believe no further discussion regarding the thirty three

¹ The present Reply Brief is being filed within two months of the mailing of the Examiner's Answer and so is timely filed.

paragraphs is necessary since Appellants' Main Brief filed on October 14, 2008 addresses the arguments made in the paragraphs.

At pages 18-19 of the Examiner's Answer, the Examiner quotes or paraphrases five contentions of Appellants –

“A”, regarding the 35 USC § 112 rejection, discussed in Appellants' Main Brief at page 20;

“B”, regarding the 35 USC §103 rejection of Claims 2-6, discussed in Appellants' Main Brief at pages 20-22, the Examiner quoting a passage from Claim 4 paraphrased in Appellants' Main Brief at page 21;

“C”, regarding the 35 USC §103 rejection of Claims 2-6, discussed in Appellants' Main Brief at pages 21-22, the Examiner quoting a passage from Claim 4 paraphrased at page 21 in Appellants' Main Brief;

“D”, regarding the 35 USC §103 rejection of Claim 12, discussed in Appellants' Main Brief at pages 25-26, the Examiner quoting a passage from Claim 12 quoted at Appellants' Main Brief at page 25 (mis-cited as “page 26, paragraph 3”); and

“E”, regarding the 35 USC §103 rejection of Claim 14, discussed in Appellants' Main Brief at page 26, the Examiner quoting a passage from Claim 14 paraphrased at page 26 of Appellants' Main Brief.

The Examiner then presents (Examiner's Answer at pages 19-22) a rebuttal of each of points A through E. The Examiner makes no response to Appellants' discussion of the rejections under 35 USC §103 of Claims 17-21 (discussed in Appellants' Main Brief at pages 22-23), Claims 22-28 and 30 (discussed in Appellants' Main Brief at pages 23-24), Claims 8-10, 13 and 29 (discussed in Appellants' Main Brief at page 24), Claim 11 (discussed in Appellants' Main

Brief at pages 24-25), Claim 15 (discussed in Appellants' Main Brief at pages 26-27) or Claim 16 (discussed in Appellants' Main Brief at page 27).

With respect to the Examiner's rebuttal of Points A, B and C, Appellants believe no further discussion is necessary.

A. EXAMINER'S REBUTTAL OF POINT D

Claim 12 recites "delaying a transmission of a revision to a remote data processing system if the same software components are not specified in the reference technical parameter data and the received technical parameter data and if the remote data processing system requires a hardware upgrade to support the revision." The Examiner asserts that Raverdy discloses the above mentioned "delaying" process. In support of the assertion, the Examiner at page 21 of the Examiner's Answer states that:

Raverdy discloses the method of determined (sic) if the particular version of the application software is appropriate; if not then the system will have [to] perform an update procedure to determined (sic) the right version for the software, it's a delaying process if the software is not updated. Therefore, Raverdy meets the claim limitation.

The above statement ignores the fact that the "delaying" transmission of a revision as recited in claim 12 is performed based on meeting two conditions: 1) "the same software components are not specified in the reference technical parameter data and the received technical parameter data" and 2) "the remote data processing system requires a hardware upgrade to support the revision." Since Raverdy fails to disclose delaying transmission of a revision based on meeting the above two conditions recited in the claim, the rejection of claim 12 should be reversed.

Claim 15 contains a similar recitation, to which similar arguments apply.

B. EXAMINER'S REBUTTAL OF POINT E

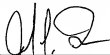
Claim 11 recites installing an upgrade software module after receipt of confirmation that a requisite hardware upgrade has been successfully completed. The Examiner asserts that Raverdy discloses the above mentioned "installing" process. In support of the assertion, the Examiner at page 22 of the Examiner's Answer states that:

Raverdy discloses the method of checking for the login information along with receiving an access code which would provide appropriate configuration information which is a form of receiving confirmation for the identification of the corresponding user and location. Therefore, Raverdy meets the claim limitation.

The above statement ignores the fact that the claims recite that the confirmation regards whether "a requisite hardware upgrade has been successfully completed." Since Raverdy fails to disclose confirming whether or not "a requisite hardware upgrade has been successfully completed," the rejection of claim 11 should be reversed.

Claim 14 contains a similar recitation, to which similar arguments apply.

Respectfully submitted,



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